

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) No.: 3:05-CR-112-TAV-DCP-1
)
)
MELVIN E. DAVIS,)
)
Defendant.)

MEMORANDUM OPINION AND ORDER

This criminal case is before the Court on defendant's Motion for Reconsideration of Denial of First Step Motion [Doc. 206]. This Court previously denied defendant's First Step Act motion, finding that his conviction under 21 U.S.C. § 841(b)(1)(C) did not qualify as a "covered offense" and he was therefore ineligible for a sentence reduction [Doc. 205]. Defendant then filed the present motion asking for reconsideration based on later cases from the First and Fourth Circuit Courts of Appeal which held the offense did qualify as a "covered offense" [Doc. 206]. The government responded that the Supreme Court recently considered this issue in *Terry v. United States*, 141 S. Ct. 1858 (2021), and held that the offense is not covered [Doc. 214]. The Court finds that the prior order is consistent with controlling precedent, and the motion for reconsideration [Doc. 206] is therefore **DENIED**.

IT IS SO ORDERED.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE